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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,712	08/25/2003	Hiroshi Nomura	P23705	9825
7055	7590	10/04/2004		
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER SMITH, ARTHUR A	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,712

Applicant(s) *JK*

NOMURA, HIROSHI

Examiner

Arthur A Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nomura et al. (US 2003/0156832 A1), supplied by applicant

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In reference to claims 1, 10, 11 and 18, Nomura et al. discloses a retractable barrel comprising: a rear holder, ref. 22, configured to hold a rear optical element, L3, on an axis, said rear holder comprising a recess, see fig. 4; an annular member, ref. 20, movable along the axis towards and away from said rear holder without rotation, paragraph 60; a retractable holder, ref. 21, accommodated within the annular member, configured to hold a retractable optical element, L2, the retractable holder being

movable between an aligned position where the retractable optical element is aligned with the axis, and a displaced position where the retractable optical element is displaced relative to the axis, paragraph 65; and a position controller, ref. 11a, configured to control said annular member and retractable holder to move between an operational position spaced from said rear holder with said retractable holder at said aligned position to a retracted position where said rear optical element is accommodated within the inner peripheral surface of the annular member with said retractable holder at said displaced position and where a portion of said rear holder and a portion of said retractable holder are at the same position on said annular member axis, paragraph 66; wherein a movement path of said retractable holder includes an oblique path extending obliquely to the axis; and wherein said recess configured to prevent said rear holder from interfering with said retractable holder as said retractable holder moves to and from the operational position and the retracted position, see figs. 6A, 6B, 7A and 7B.

In reference to claim 2, Nomura et al. discloses wherein said recess has a surface inclined in a direction of movement of said retractable holder to and from the operational position or the retracted position, see fig. 6A.

In reference to claim 3, Nomura et al. discloses wherein said retractable holder comprises a ring member, and wherein said recess has a radius orthogonal to said annular member axis which is the substantially the same or larger than the radius of said ring member, see fig. 6A and 6B.

In reference to claims 4 and 12, Nomura et al. discloses wherein said retractable member comprises a swingable member, ref. 21b, which is rotatably supported on a

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pivot, ref. 20c, parallel to said support member axis to be swingable about said pivot, paragraph 65.

In reference to claims 5 and 13, Nomura et al. discloses wherein said rear holder is substantially a rectangular shape and includes a front end surface and four side surfaces which extend rearward from said front end surface to surround the axis; and wherein said recess is on an area of said rear holder which extends over said front end surface and at least one of said four side surfaces, see fig. 4.

In reference to claim 6, Nomura et al. discloses wherein said rear holder is movable along said photographing axis, paragraph 51.

In reference to claims 7, 8, 14 and 15, Nomura et al. discloses wherein at least one guide shaft located outside said annular member to extend substantially parallel to the axis; and wherein said rear holder includes at least one radial arm portion which projects radially outwards from said rear holder, said rear holder independently movable and guided by said at least one guide shaft in the axis direction, paragraph 63.

In reference to claims 9 and 16, Nomura et al. discloses wherein a stopper, ref. 22c, located on a side of the rear holder remote from said annular member, said stopper configured to set a movement limit of said rear holder; and a controller configured to control movement of said rear holder to said movement limit before commencement of movement of said annular member and retractable holder from said operational position to said retracted position, paragraph 65.

In reference to claim 17, Nomura et al. discloses wherein said first optical element comprises a lens group, L2, wherein said retractable holder comprises a

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cylindrical lens holder portion, ref. 21, which holds said lens group, and wherein said oblique surface is a concave surface which substantially corresponds to the shape of an outer surface of said cylindrical lens holder portion, see figs. 6A and 6B.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (571) 272 2129. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (572) 272 2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arthur A. Smith  
September 26, 2004